

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE SERVANTES,

Plaintiff,

Case No.14-cv-10250
HON. GERSHWIN A. DRAIN

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION (#12),
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#9), GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#11) AND IMPOSING
SANCTIONS**

This matter is before the Court on the parties' Cross-Motions for Summary Judgment as to Plaintiff George Servantes' claim for judicial review of Defendant Commissioner of Social Security's denial of his application for disability insurance benefits. The matter was referred to Magistrate Judge Michael Hluchaniuk, who issued a Report and Recommendation on February 3, 2015, recommending that the Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Motion for Summary Judgment, and affirm the decision of the Administrative Law Judge. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion concerning Plaintiff's claim for disability benefits.

Additionally, the Court is inclined to also agree with the Magistrate Judge with respect to his conclusion concerning the propriety of imposing sanctions against Plaintiff's counsel for his apparent continued disregard of his duties to his client and to this tribunal. Counsel's Motion for Summary Judgement was woefully inadequate. It was supported by conclusory, undeveloped legal and factual arguments. Like his previous filings before this Court, Counsel failed to point to any of Plaintiff's medical records to support his argument that the Administrative Law Judge incorrectly assessed Plaintiff's credibility. However, the Court does find the figure proposed by the Magistrate Judge to be excessive under the circumstances and will modify the amount from the recommended \$7,500.00 to \$2,500.00.

Based on the foregoing considerations, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Hluchaniuk's February 3, 2015 Report and Recommendation [#12] as this Court's findings of fact and conclusions of law concerning Plaintiff's claim for disability benefits and the propriety of imposing monetary sanctions.

IT IS ORDERED that Defendant's Motion for Summary Judgment [#11] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [#9] is DENIED.

IT IS FURTHER ORDERED that sanctions are imposed against Plaintiff's counsel, Richard J. Doud, for his bad faith conduct before this Court. Counsel shall issue a personal check in the amount of \$2,500.00 payable to the Clerk of Court, E.D. of Michigan, within (30) days from the date

of this Order. Plaintiff's counsel shall also file an affidavit demonstrating his compliance with the instant Order.

This cause of action is dismissed.

SO ORDERED.

Dated: February 27, 2015

/s/ Gershwin A Drain

GERSHWIN A. DRAIN

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 27, 2015, by electronic and/or ordinary mail.

/s/ Tanya Bankston

Deputy Clerk